

Kent Ries, Attorney at Law
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kent@kentries.com

COUNSEL FOR TRUSTEE

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION**

IN RE:	§	
	§	
MCCLAIN FEED YARD, INC.	§	CASE NO. 23-20084-RLJ-7
	§	
	§	
Debtor.	§	

**MOTION FOR APPROVAL OF EMPLOYMENT OF
COUNSEL FOR TRUSTEE**

TO THE HONORABLE ROBERT L. JONES, BANKRUPTCY JUDGE:

COMES NOW, Kent Ries, Trustee (“Trustee”) of the referenced Chapter 7 bankruptcy estate, and files this Motion for Approval of Employment of Counsel for Trustee and in support thereof would respectfully show unto the Court as follows:

1. Debtor filed for relief under Chapter 7 of the United States Bankruptcy Code on April 28, 2023. Kent Ries was subsequently appointed and qualified to serve as the Trustee over the bankruptcy estate.
2. This Court has jurisdiction over the subject matter of this Motion pursuant to 28 U.S.C. §§ 327.
3. Trustee will administer this case as an asset case.
4. Trustee asserts it is necessary to employ counsel, pursuant to 11 U.S.C. § 327(a), to perform the following described necessary legal services in the administration of this estate:

A. Preparation of all applications, notices, orders and legal papers necessary to comply with the Bankruptcy Code and Federal Rules of Bankruptcy Procedure.

B. Counseling with the Trustee regarding potential assets and claims of the estate.

C. Preparation of pleadings and documents with respect to property to be liquidated by the estate, or claims against the estate.

5. Trustee desires that he be authorized to employ the law firm of Kent Ries for such compensation and reimbursement of expenses as is just pursuant to 11 U.S.C. § 330 and Rule 2016 of the Federal Rules of Bankruptcy Procedure. Kent Ries is an attorney admitted to practice in this Court with knowledge and experience in bankruptcy practice and is duly qualified to render necessary legal services.

6. Pursuant to 11 U.S.C. § 327(d), the “court may authorize the trustee to act as attorney . . . for the estate if such authorization is in the best interest of the estate.” 11 U.S.C. § 327(d). However, if the court authorizes the employment of the trustee as a professional, 11 U.S.C. § 328(b) specifies that the trustee receive professional compensation only for the performance of those professional tasks that are not generally performed by a trustee without the assistance of an attorney. The House Report on Section 328(b) states:

Subsection (b) limits a trustee that has been authorized to serve as his own counsel to only one fee for each service. The purpose of permitting the trustee to serve as his own counsel is to reduce costs. It is not included to provide the trustee with a bonus by permitting him to receive two fees for the same service or to avoid the maxima fixed in section 326. Thus, this subsection requires the court to differentiate between the trustee’s services as trustee, and his services as trustee’s counsel, and to fix compensation accordingly. Services that a trustee normally performs for an estate without assistance of counsel are to be compensated under the limits fixed in section 326. Only services that he performs that are normally performed by trustee’s counsel may be compensated under the maxima imposed by this section.

H.R. Rep. No. 95-595, 95th Cong., 1st Sess. 329 (1977).

7. Trustee would show the Court that employment of his firm is in the best interest of this Chapter 7 bankruptcy estate. Additional factors, which support employment of Trustee's law firm as counsel in this case, are as follows:

A. In addition to the legal services required by the Trustee of his law firm as described above, there will be some need for services in connection with the filing of objections to claims and other general legal services. Such work does not justify the effort and expense of hiring an outside law firm.

B. Appointment of Trustee's own law firm in this case will result in a significant reduction of attorney fees. The estate has already benefited from the Trustee's review of the petition, conferences with Debtor's counsel regarding the major assets in the case and conference with multiple parties in interest in the case. Employment of outside counsel would result in needless duplication of these efforts which would be further compounded by unnecessary attorney/client conferences and correspondence.

8. Normal hourly rates for legal services provided debtors, creditors and trustees in bankruptcy proceedings are \$350.00 for attorneys and \$75.00 for paraprofessionals of the law firm of Kent Ries. It is difficult, if not impossible, to accurately project the fees to be incurred in connection with this particular bankruptcy proceeding given the early stages in which this application is filed and the uncertainty as to the causes of action to be pursued. Trustee asserts that he and his law firm are extremely sensitive to fees incurred in Chapter 7 proceedings and represent to the Court that all efforts to minimize fees, either by use of paraprofessionals or election of the most economic alternative for dispute resolution, will be employed.

9. The law firm of Kent Ries has never served as an examiner to the estate; and to the best of the Trustee's knowledge, the law firm of Kent Ries is a disinterested party having no connection with the Debtor, creditors, or any other party in interest. Attached hereto and incorporated herein as Exhibit "A" is the Affidavit of Kent Ries concerning the qualifications and disinterestedness of the law firm of Kent Ries.

WHEREFORE, PREMISES CONSIDERED, Kent Ries, Trustee herein, respectfully prays for an Order of this Court approving the employment of the law firm of Kent Ries as attorneys to perform professional services in this proceeding, and for such other relief, at law or in equity, to which the Trustee may show himself justly entitled.

Respectfully submitted,

Kent Ries, Attorney at Law
PO Box 3100
Amarillo, Texas 79116
(806) 242-7437
(806) 242-7440-Fax

By: /s/ Kent Ries
Kent Ries
State Bar No. 1691450

COUNSEL FOR TRUSTEE

CERTIFICATE OF SERVICE

I certify that on the 4th day of May, 2023, a true and correct copy of the foregoing Motion for Approval of Employment of Counsel for Trustee was sent either electronically via ECF or mailed in the United States mail, postage prepaid, to the parties listed on the attached mailing matrix:

/s/ Kent Ries
Kent Ries

2B Farms Inc
9012 County Rd. 3114
Snyder, TX 79549-1318

306 Federal Building
1205 Texas Avenue
Lubbock, TX 79401-4037

Acey Livestock, LLC
211 Old Orchard Road
Perryville, KY 40468-9782

AgTexas Farm Credit Services
2001 S. Soney Road
Amarillo, TX 79124-2407

AgTexas, PCA
2001 S. Soney Road
Amarillo, TX 79124-2407

Angela Powell
86 B Commerce Blvd.
Benton, KY 42025-1110

Arnold Braun or Arnold Braun Trust
4932 E SR 70
Grandview, IN 47615-9620

Bar D Ranch Land & Cattle, LLC
4458 South US Highway 441
Lake City, FL 32025-0306

Big Seven Capital Partners LLC
200 Rock Vista Run
Austin, TX 78737-2843

Bo Robinson
9397 County Rd. 3114
Snyder, TX 79549-1379

Bryan Blackman
4553 Texas Street
Healdton, OK 73438-2906

C Heart Ranch, LLC
454 Daniels Lane
Ardmore, OK 73401-5304

Cactus Feeders Finance LLC
PO Box 3050
Amarillo, TX 79116-3050

Cactus Operating LLC
2209 SW 7th Avenue
Amarillo, TX 79106-6769

Caleb Little
672 Nelson Trl
Dexter, KY 42036-9402

Carl Pickett
524 Travis Street/650 FM 163 Rd
Liberty, TX 77575

Carr, Riggs, & Ingram, LLC
2424 Louisiana Blvd. NW
Suite 300
Albuquerque, NM 87110

Carraway Cattle
200 Rock Vista Run
Austin, TX 78737-2843

Caterpillar Financial Services
Corporation
2120 West End Avenue
Nashville, TX 37203-0986

Chelsea Waters McClain
824 Mullins Lane
Benton, KY 42025-4702

Clint Quarles
Kentucky Department of Agriculture
105 Corporate Drive
Frankfort, KY 40601-8332

Cody L. Simmons
P.O. Box 180
Canyon, TX 79015-0180

Colton Long
2001 S. Soney Road
Amarillo, TX 79124-2407

COMMUNITY FINANCIAL SERVICES BANK
ATTN ATTN LOSS MITIGATION
P O BOX 467
BENTON, KY 42025-0467

Community Financial Services Bank
100 Dick Castleman Bypass
Mayfield, KY 42066-5006

Cory Don Priest
899 Rosenthal Road
Lorena, TX 76655-9665

Crystal McClain
824 Mullins Lane
Benton, KY 42025-4702

Curtis Jones Farms LLC
1720W. 13th Ave.
Emporia, KS 66801-5659

David L. LeBas
8310 N. Capital of Texas HWY
Austin, TX 78731-1011

David Rainey
88 CR 640
Corinth, MS 38834

Death Creek Farms LLC
10150 Highway 47
West Point, MS 39773-4802

Don Jones
2434 Road Y
Reading, KS 66868-9006

Don Jones Farm, Inc.
2434 Road Y
Reading, KS 66868-9006

Douglas C. Pritchett
19601 FM 1541
Canyon, TX 79015-6387

Dr. Arnold Bral,ln
4932 E. SR 70
Grandview, IN 47615-9620

Dwight Jesko
112 Rr 5/ 3970 FM 1057
Hereford, TX 79045

Eric Dejarnatt
1115 CR 1024
Cunningham, KY 42035-9309

First Capital Bank of Texas
3900 Soncy Road
Amarillo, TX 79119-6673

First Kentucky Bank, Inc.
605 Main Street
Benton, KY 42025-1236

Friona Industries
PO Box 15568
Amarillo, TX 79105-5568

Friona Industries, L.P.
500 S. Taylor Street, Suite 601
Amarillo, TX 79101-2447

Frontier Farm Credit
2009 Vanesta Place
Manhattan, KS 66503

FRONTIER FARM CREDIT
PO BOX 2409
OMAHA, NE 68103-2409

Garwood Cattle Company LLC
2538 Middleton Road
Columbiana, OH 44408-9550

J. Brent Burnett
1612 Sanderson Rd.
Mayfield, KY 42066-9108

Jake Rininger
2828 S. Co. Rd. 200 W.
Rockport, IN 47635-8252

Jared Lesh Cowhorses Inc.
10801 E. Highway 82
Whitesboro, TX 76273

Jared Wayne Lesh
10801 E. Highway 82
Whitesboro, TX 76273

Jed Goad
JLE Trucking, Inc.
PO Box 451
Red Boiling Springs, TN 37150-0451

Jimmy D. Greer
3209 Wrathier Rd.
Murray, KY 42071-7417

John Dale Tidwell
209 Duffers Ln
Mayfield, KY 42066-1201

John Massouh
Sprouse Shrader Smith PLLC
Box 15008
Amarillo, TX 79105-5008

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10400 N. Perkins Road
Stillwater, OK 74075-1860

Julie Whitlock
P.O. Box 389
Mayfield, KY 42066-0029

Keeling Cattle Feeders, Inc.
2799 County Road 3
Hereford, TX 79045

Keith Harris Farms, Inc.
703 Waller Cemetery Road
Benton, KY 42025-4770

Kenneth Netardus
P.O. Box 3280
Amarillo, TX 79116-3280

Kent David Ries
Kent Ries, Trustee
PO Box 3100
Amarillo, TX 79116-3100

Kentucky Department of Agriculture
105 Corporate Drive
Frankfort, KY 40601-8332

Lazy J Arena, LLC
1419 W. 80th Street
Stillwater, OK 74074-8164

Lazy J. Cattle
1515 W. 80th Street
Stillwater, OK 74074-8186

Lesh Family Trust
19700 County Road 200
Perry, OK 73077-8530

Lesh Trucking'
10400 N. Perkins Rd.
Stillwater, OK 74075-1860

Lyndal Vanbuskirk
P.O Box 778
Ringling, OK 73456-0778

MAP Enterprises Inc.
P.O. Box 1045
Mayfield, KY 42066-0041

Max Ralph Tarbox
Tarbox Law, P.C.
2301 Broadway
Lubbock, TX 79401-2916

McClain Feed Yard, Inc.
4010 FM 1057
Hereford, TX 79045-7386

Meagan B. Goad
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S Benton, KY 42025-4777

Meagan B. Powell
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18400 Von Karman Avenue Suite 1100
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Ray Quinney and Nebeker, P.C.
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Mykel Linn Tidwell
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Mayfield, KY 42066-6982

Northland Capital Financial
Services, LL
P.O. Box 7278
Saint Cloud, MN 56302-7278

Oklahoma AgCredit
601 East Kenosha
Broken Arrow, OK 74012-2002

Open A Arena LLC
14500 S. Fm 1258
Amarillo, TX 79118-4610

Patty Priest
899 Rosenthal Road
Lorena, TX 76655-9665

Priest Cattle and Land Company,
Inc.
899 Rosenthal Road
Lorena, TX 76655-9665

Priest Cattle Company, Ltd
899 Rosenthal Road
Lorena, TX 76655-9665

Priest Victory Investment LLC
899 Rosenthal Road
Lorena, TX 76655-9665

Producers Credit Corporation
8351 N. High Street, Suite 250
Columbus, OH 43235-1440

Rabo Agrifinance LLC
1402 Technology Parkway
Cedar Falls, IA 50613

Rabo Agrifinance LLC
146.76 Outer 40 Road Ste. 400
Chesterfield, MO 63017

Rapp Ranch
400 Smith Trail
Weatherford, TX 76088-1606

Rick Rodgers
786 Sutton Ln.
Mayfield, KY 42066-6551

Riley Livestock
250 Brittian Lane
Mayfield, KY 42066-4617

River Valley AgCredit
1401 North 12th Street
Benton, KY 42025

Robert Braun
12307 E. Co Rd. 1160 N
Evanston, IN 47531-8076

Samuel S. Brown
3430 St. Rt 45 S
Mayfield, KY 42066-6135

Scarlet & Black Cattle, LLC
5402 Walesa Court
Amarillo, TX 79119-6285

Scott Livestock Company (Steve
Scott)
10150 Highway 47
West Point, MS 39773-4802

Sherman Trucking
2098 Symsonia Highway/ 5508 Oak
Level Ro
Benton, KY 42025-5024

Spencer Clift
BAKER, DONELSON, BEARMAN, CALDWELL
& BER
165 Madison Ave.
Memphis, TN 38103-2799

Stanley Ayers
6200 Ross Rd. Rockford, OH

Steve T. Scott Farms, Inc.
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West Point, MS 39773-4802

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II
Amarillo, TX 79101

Takeuchi Financial Services, a
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AZ-FTN-1
Tempe, AZ 85282-2371

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Melber, KY 42069-8826

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Hastings, MI 49058-8895

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Amarillo, TX 79101-2446

Thorlakson Feedyards
273131 Rr 284
Airdrie, Alberta, T4A 0H4 Canada

Tom Thorlakson
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Friona, TX 79035-7034

United States Trustee
1100 Commerce Street
Room 976
Dallas, TX 75242-0996

W. Heath Hendricks UNDERWOOD LAW
FIRM
500 S. Taylor Street Ste. 1200
Amarillo, TX 79101-2401

Wildforest Cattle Company LLC
1206 Paris Road
Mayfield, KY 42066-4989

WJ Performance Horses, Inc.
524 Travis Street
Liberty, TX 77575-4824

THE STATE OF TEXAS
COUNTY OF POTTER

§
§
§

KNOW ALL MEN BY THESE PRESENTS:

AFFIDAVIT OF KENT RIES


Before me, the undersigned authority, on this day personally appeared Kent Ries of the law firm of Kent Ries, Amarillo, Texas, being by me duly sworn, upon oath deposed and said:

1. I am a resident of Amarillo, Potter County, Texas; am over the age of 21 years and am of sound mind and have never been convicted of an offense.
2. I am an attorney admitted to practice in the State of Texas and possess all of the qualifications of an attorney or counselor of law in the State of Texas.
3. I have reviewed the *Motion* by the Trustee for approval to retain the law firm of Kent Ries as counsel in this Chapter 7 bankruptcy proceeding. I am an attorney admitted to practice with extensive knowledge and experience in bankruptcy practice and procedure and am in all respects qualified to render the necessary legal services requested by the Trustee.
4. The law firm of Kent Ries is disinterested and has no connection with the Debtor, creditors of the estate, any party in the United States Trustee's office or any other parties. The law firm of Kent Ries does not have an interest adverse to the Estate.

FURTHER AFFIANT SAITH NOT.


Kent Ries

SWORN TO AND SUBSCRIBED BEFORE ME this 4th day of May 2023.


Notary Public, State of Texas

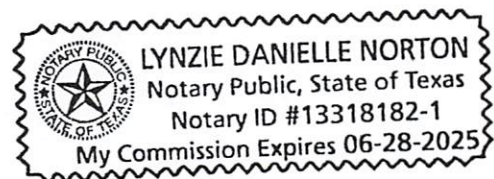


EXHIBIT "A"